

110TH CONGRESS
2D SESSION

S. 3023

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2008

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to prescribe regulations relating to the notice to be provided claimants with the Department of Veterans Affairs regarding the substantiation of claims.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Notice Clari-
5 fication Act of 2008”.

1 **SEC. 2. REGULATIONS ON CONTENTS OF NOTICE TO BE**
2 **PROVIDED CLAIMANTS WITH THE DEPART-**
3 **MENT OF VETERANS AFFAIRS REGARDING**
4 **THE SUBSTANTIATION OF CLAIMS.**

5 Section 5103(a) of title 38, United States Code, is
6 amended—

7 (1) by inserting “(1)” before “Upon receipt”;
8 and

9 (2) by adding at the end the following new
10 paragraph:

11 “(2)(A) The Secretary shall prescribe in regulations
12 requirements relating to the contents of notice to be pro-
13 vided under this subsection.

14 “(B) The regulations required by this paragraph—

15 “(i) shall specify different contents for notice
16 depending on whether the claim concerned is an
17 original claim, a claim for reopening a prior decision
18 on a claim, or a claim for increase in benefits;

19 “(ii) may provide additional or alternative con-
20 tents for notice if appropriate to the benefit or serv-
21 ices sought under the claim;

22 “(iii) shall specify for each type of claim for
23 benefits the general information and evidence re-
24 quired to substantiate the basic elements of such
25 type of claim; and

1 “(iv) shall specify the timing of the issuance of
2 notice.”.

